

REQUEST FOR COUNCIL ACTION

MEETING

DATE:

4/7/03

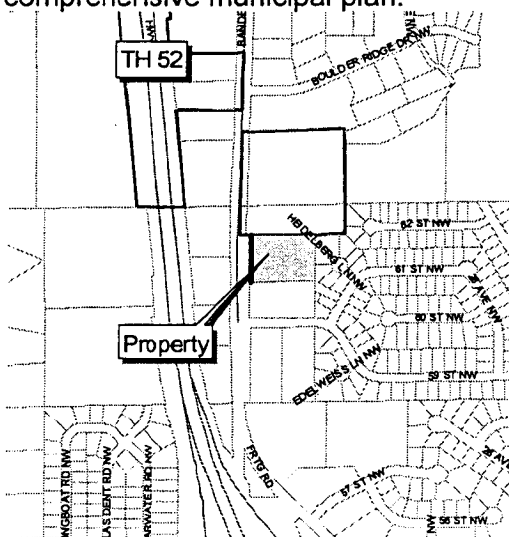
AGENDA SECTION: CONSENT AGENDA	ORIGINATING DEPT: Public Works	ITEM NO. D-27
ITEM DESCRIPTION: Real Estate – Settlement for Right of Way Acquisition for Bandel Road J9815	PREPARED BY: M. Nigbur <i>wn</i>	

The City Staff in conjunction with their consulting engineer have been working on the design for the Bandel Road Reconstruction project. Based on the designs that have been developed City staff pursued acquisition of the needed area of property using the state acquisition requirements. Based on the continued negotiations between the City and Bandel Affordable Townhomes LTD, a preliminary settlement has been reached.

This settlement agreement includes the following provisions:

1. Owner agrees to convey the needed right of way to the City in the amount of \$7,081.38.
2. Access will be maintained throughout the project for emergency vehicle access. Access to the site will be interrupted periodically due to minor work including storm sewer construction, and roadway work directly in front of the property. Staff will keep the management staff apprised of the general work schedule that may affect the immediate access of the townhome project.
3. The City agrees to repair and replace any disturbed areas on Owner's existing parcel resulting from the construction of the Project. Disturbed grass areas will be replaced with sod.

In addition State law requires planning agency review and a written report on all city acquisitions or disposals of interests in public property unless the governing body determines, by resolution adopted by two-thirds vote, that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan. The acquisition or disposal of real property recommended in this RCA has no relationship to the City's comprehensive municipal plan.



COUNCIL ACTION REQUESTED:

Authorize the Mayor and City Clerk to execute the Settlement Agreement with Bandel Townhome LTD for the Bandel Townhomes Property.

The Council should also adopt, by a two-thirds vote, a second resolution finding that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

COUNCIL ACTION: Motion by: _____ Second by: _____ to: _____